



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604**

**MICHAEL W. DOBBINS
CLERK**

312-435-5670

November 5, 2007

Mr. Gino J. Agnello, Clerk
U.S. Court of Appeals-Seventh Circuit
219 South Dearborn Street-Room 2722
Chicago, Illinois 60604

RE: Lott vs Levitt et al

U.S.D.C. DOCKET NO. : 06cv2007

U.S.C.A. DOCKET NO. : 07-3095

Dear Mr. Agnello:

Please find attached the supplemental record on appeal consisting of the following:

VOLUME(S) OF PLEADING(S)

1 VOLUME(S) OF TRANSCRIPT(S)

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

VAULT ITEMS:

OTHER (SPECIFY):

SPECIAL NOTE: Original Case Transmitted on 9/20/07.

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Michael W. Dobbins, Clerk

By: _____
R.B.Franco, Deputy Clerk

I, MICHAEL W. DOBBINS, Clerk of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, the following, to wit, in supplement to the Record on Appeal heretofore certified to your court on 9/20/07.

USDC NO. : 06cv2007

USCA NO. : 07-3095

DATE	ITEM NO.	DESCRIPTION
11/1/07	85	Transcript of Proceedings before Judge Ruben Castillo held on 7/31/07.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of aforesaid court at Chicago, Illinois, this 5th day of November, 2007.

Michael W. Dobbins, Clerk

By: _____
R.B.Franco, Deputy Clerk

APPEAL, LEVIN, PROTO, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:06-cv-02007
Internal Use Only

Lott v. Levitt et al

Assigned to: Honorable Ruben Castillo

Case in other court: 07-03095

Cause: 28:1332 Diversity-Other Contract

Date Filed: 04/10/2006

Date Terminated: 08/07/2007

Jury Demand: Plaintiff

Nature of Suit: 360 P.I.: Other

Jurisdiction: Diversity

Plaintiff

John R. Lott, Jr.

represented by **Mark L. Johnson**
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603-5577
(312) 460-5000
Fax: (312) 460-7000
Email: majohnson@seyfarth.com
ATTORNEY TO BE NOTICED

Paul E. Freehling
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Suite 2400
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ATTORNEY TO BE NOTICED

Stephen H. Marcus
Law Office of Stephen H. Marcus
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Washington, DC 20036

(202) 776-0651
ATTORNEY TO BE NOTICED

Thomas A. Vickers
Vanek, Vickers & Masini, P.C.
225 W. Washington Street
#1850
Chicago, IL 60606
(312)224-1500
Email: tvickers@vaneklaw.com
TERMINATED: 07/10/2007

V.

Defendant

Steven D. Levitt

represented by **Slade R Metcalf**
Hogan & Hartson LLP
875 Third Avenue
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(212)918-3000
Email: srmetcalf@hhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P. Sanders
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330 North Wabash
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ATTORNEY TO BE NOTICED

Gail C. Gove
Hogan & Hartson LLP
875 Third Avenue
New York, NY 10022
(212) 918-3000
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ATTORNEY TO BE NOTICED

Wade A Thompson
Jenner & Block LLP

330 North Wabash
Chicago, IL 60611
(312)222-9350
Email: wthomson@jenner.com
ATTORNEY TO BE NOTICED

Defendant

HarperCollins Publishers, Inc.
TERMINATED: 01/11/2007

represented by **David P. Sanders**
(See above for address)
TERMINATED: 01/11/2007

Gail C. Gove
(See above for address)
TERMINATED: 01/11/2007

Slade R Metcalf
(See above for address)
TERMINATED: 01/11/2007

Wade A Thompson
(See above for address)
TERMINATED: 01/11/2007

Defendant

HarperCollins Publishers, Inc.
TERMINATED: 01/11/2007

Respondent

Third-party University Of Chicago

represented by **Jacob Maxwell Rubinstein**
Meckler Bulger & Tilson LLP
123 North Wacker Drive
Suite 1800
Chicago, IL 60606
(312) 474-7900
Email: jake.rubinstein@mbtlaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/10/2006	1	COMPLAINT filed by John R. Lott, Jr.; Jury Demand.(hp,) (Entered: 04/12/2006)
04/10/2006	2	CIVIL Cover Sheet (hp,) (Entered: 04/12/2006)
04/10/2006	3	ATTORNEY Appearance for Plaintiff John R. Lott, Jr., by Thomas A. Vickers (hp,) (Entered: 04/12/2006)
04/10/2006	4	(Court only) RECEIPT regarding payment of filing fee paid on 4/10/2006 in the amount of \$350.00, receipt number 10332852 (hp,) (Entered: 04/12/2006)
04/27/2006	5	SUMMONS Issued as to Defendants Steven D. Levitt, HarperCollins Publishers, Inc. (hp,) (Entered: 05/01/2006)
05/08/2006	6	MINUTE entry before Judge Ruben Castillo : Parties to file a joint status report on or before 6/5/2006. Status hearing set for 6/8/2006 at 9:45 AM. Mailed notice (rao,) (Entered: 05/08/2006)
05/17/2006	7	ATTORNEY Appearance for Defendants Steven D. Levitt, HarperCollins Publishers, Inc. by David P. Sanders (Sanders, David) (Entered: 05/17/2006)
05/17/2006	8	ATTORNEY Appearance for Defendants Steven D. Levitt, HarperCollins Publishers, Inc. by Wade A Thompson (Thompson, Wade) (Entered: 05/17/2006)
05/17/2006	9	MOTION by Defendants Steven D. Levitt, HarperCollins Publishers, Inc. for extension of time <i>to Answer or otherwise Plead to complaint (Agreed)</i> (Sanders, David) (Entered: 05/17/2006)
05/17/2006	10	NOTICE of Motion by David P. Sanders for presentment of motion for extension of time 9 before Honorable Ruben Castillo on 5/24/2006 at 09:45 AM. (Sanders, David) (Entered: 05/17/2006)
05/18/2006	11	MINUTE entry before Judge Ruben Castillo : Defendants' agreed motion to extend time to answer or otherwise plead to complaint 9 is granted. Defendants to answer or otherwise plead to the complaint on or before 6/5/2006. Motion hearing set for 5/24/2006 is vacated. Status report filing date of 6/5/2006 and status hearing set for 6/8/2006 at 9:45 a.m. will stand. Mailed notice (rao,) (Entered: 05/18/2006)
05/25/2006	12	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Defendants Steven D. Levitt, HarperCollins Publishers, Inc. by Slade R. Metcalf; Order entered granting leave by Ruben Castillo. Filing fee \$50.00 paid, receipt number 10641668 (hp,) (Entered: 05/31/2006)
05/25/2006	13	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Defendants Steven D. Levitt, HarperCollins Publishers, Inc. by Gail C. Gove; Order entered granting leave by Ruben Castillo. Filing fee \$50.00 paid, receipt number 10641668 (hp,) (Entered: 05/31/2006)

06/02/2006	14	STATUS Report (<i>Joint</i>) by John R. Lott, Jr, Steven D. Levitt, HarperCollins Publishers, Inc. (Sanders, David) (Entered: 06/02/2006)
06/02/2006	15	MOTION by Defendant HarperCollins Publishers, Inc. to dismiss (Sanders, David) (Entered: 06/02/2006)
06/02/2006	16	MOTION by Defendant Steven D. Levitt to dismiss (Sanders, David) (Entered: 06/02/2006)
06/02/2006	17	NOTICE of Motion by David P. Sanders for presentment of motion to dismiss 15 , motion to dismiss 16 before Honorable Ruben Castillo on 6/8/2006 at 09:45 AM. (Sanders, David) (Entered: 06/02/2006)
06/02/2006	18	STATEMENT by Steven D. Levitt, HarperCollins Publishers, Inc. Pursuant to Federal Rule of Civil Procedure 7.1 (Sanders, David) (Entered: 06/02/2006)
06/02/2006	21	APPLICATION for Leave to Appear Pro Hac Vice on behalf of John R. Lott, Jr by Stephen H. Marcus; Order entered granting leave by Ruben Castillo. Filing fee \$50.00 paid, receipt number 10717352 (hp,) (Entered: 06/07/2006)
06/05/2006	19	NOTICE by all defendants of <i>Filing Exhibit 1 in Defendant HarperCollins' Motion to Dismiss</i> (Sanders, David) (Entered: 06/05/2006)
06/05/2006	20	EXHIBIT 1 by Defendants to Defendant HarperCollins' motion to dismiss 19 (hp,) (Entered: 06/06/2006)
06/07/2006	22	MEMORANDUM by Steven D. Levitt in Support of motion to dismiss 16 (Sanders, David) (Entered: 06/07/2006)
06/07/2006	23	MEMORANDUM by HarperCollins Publishers, Inc. in Support of motion to dismiss 15 (Sanders, David) (Entered: 06/07/2006)
06/08/2006	24	MINUTE entry before Judge Ruben Castillo : Status hearing held. Plaintiff's response to defendant Harper/Collins Publishers, Inc.'s motion to dismiss 15 and defendant Steven D. Levitt's motion to dismiss 16 is due on or before 7/10/2006. Defendants' replies will be due on or before 7/24/2006. The Court will rule by mail. Mailed notice (rao,) (Entered: 06/08/2006)
07/10/2006	25	MEMORANDUM by John R. Lott, Jr in Opposition to motion to dismiss 15 , motion to dismiss 16 (Vickers, Thomas) (Entered: 07/10/2006)
07/24/2006	26	REPLY Memorandum in Support of Defendants' Motion to Dismiss (Metcalf, Slade) (Entered: 07/24/2006)
01/11/2007	27	MINUTE entry before Judge Ruben Castillo : Status hearing set for 1/24/2007 at 9:45 a.m. Enter Memorandum Opinion and Order. Defendant HarperCollins Publishers, Inc.'s motion to dismiss Count I of

		Plaintiff's complaint 15 is granted. Defendant Levitt's motion to dismiss 16 is granted as to Count I and denied as to Count II. Defendant HarperCollins Publishers, Inc. is hereby dismissed with prejudice. (For further detail see separate order.) Mailed notice (hp,) (Entered: 01/16/2007)
01/11/2007	28	MEMORANDUM Opinion and Order Signed by Judge Ruben Castillo on 1/11/2007:Mailed notice(hp,) (Entered: 01/16/2007)
01/22/2007	29	MINUTE entry before Judge Ruben Castillo :Status hearing set for 1/24/2007 is vacated. Settlement conference set for 1/31/2007 at 1:30 PM. Clients with settlement authority are directed to appear or be available by telephone.Mailed notice (rao,) (Entered: 01/22/2007)
01/24/2007	30	MOTION by Defendant Steven D. Levitt for extension of time <i>to Respond to Count II of the Complaint (Agreed Motion)</i> (Sanders, David) (Entered: 01/24/2007)
01/24/2007	31	NOTICE of Motion by David P. Sanders for presentment of extension of time 30 before Honorable Ruben Castillo on 1/30/2007 at 09:45 AM. (Sanders, David) (Entered: 01/24/2007)
01/24/2007	32	MINUTE entry before Judge Ruben Castillo :Settlement conference reset to 2/15/2007 at 2:00 p.m. Settlement conference set for 1/31/2007 is vacated. Defendant Levitt's agreed motion to extend time for defendant Levitt to respond to Count II 30 is granted. Defendant to answer or otherwise plead to Count II within 21 days of the settlement conference. Motion hearing set for 1/30/2007 is vacated.Mailed notice (rao,) (Entered: 01/24/2007)
02/15/2007	33	MINUTE entry before Judge Ruben Castillo :Parties' oral request to reset the settlement conference is granted. Settlement conference reset to 3/28/2007 at 11:00 AM.Mailed notice (rao,) (Entered: 02/15/2007)
03/23/2007	34	MINUTE entry before Judge Ruben Castillo :The settlement conference set for 3/28/2007 will begin at 10:30 AM.Mailed notice (rao,) (Entered: 03/23/2007)
03/28/2007	35	MINUTE entry before Judge Ruben Castillo :Settlement conference held in chambers on 3/28/2007. The parties are requested to reevaluate their final settlement positions. Defendant's answer or amended pleadings by Plaintiff will be due on or before 4/30/2007. The Court will hold a status hearing in open court on 5/2/2007 at 9:45 AM. A firm litigation schedule will be set at the next status hearing.Mailed notice (rao,) (Entered: 03/29/2007)
04/27/2007	36	ANSWER to Complaint by Steven D. Levitt(Gove, Gail) (Entered: 04/27/2007)
04/27/2007	37	STATUS Report (<i>Joint Revised</i>) by Steven D. Levitt (Gove, Gail)

		(Entered: 04/27/2007)
04/30/2007	38	<i>Corrected</i> ANSWER to Complaint by Steven D. Levitt(Gove, Gail) (Entered: 04/30/2007)
05/02/2007	39	MINUTE entry before Judge Ruben Castillo :Status hearing held on 5/2/2007 and continued to 6/12/2007 at 9:45 AM. The parties are granted leave to proceed with all discovery. All discovery to be completed on or before 7/31/2007. Bench trial set for 10/1/2007 at 9:45 AM. Mailed notice (rao,) (Entered: 05/02/2007)
05/04/2007	40	MINUTE entry before Judge Ruben Castillo :Status hearing reset to 6/14/2007 at 9:45 AM. Status hearing set for 6/12/2007 is vacated.Mailed notice (rao,) (Entered: 05/04/2007)
05/25/2007	41	MOTION by Plaintiff John R. Lott, Jr for protective order (Vickers, Thomas) (Entered: 05/25/2007)
05/29/2007	42	MOTION by Plaintiff John R. Lott, Jr for protective order (<i>Corrected</i>) (Vickers, Thomas) (Entered: 05/29/2007)
06/04/2007	43	MEMORANDUM by Steven D. Levitt in Opposition to motion for protective order 42 (Thompson, Wade) (Entered: 06/04/2007)
06/12/2007	44	ATTORNEY Appearance <i>University of Chicago</i> (Rubinstein, Jacob) (Entered: 06/12/2007)
06/12/2007	45	MOTION by Respondent University Of Chicago for protective order <i>Preventing Disclosure of "Peer Referee" Identities and Other Confidential Information</i> (Rubinstein, Jacob) (Entered: 06/12/2007)
06/12/2007	46	NOTICE of Motion by Jacob Maxwell Rubinstein for presentment of motion for protective order 45 before Honorable Ruben Castillo on 6/19/2007 at 09:45 AM. (Rubinstein, Jacob) (Entered: 06/12/2007)
06/14/2007	47	ATTORNEY Appearance for Plaintiff John R. Lott, Jr by Paul E. Freehling (Freehling, Paul) (Entered: 06/14/2007)
06/14/2007	48	MINUTE entry before Judge Ruben Castillo :Status hearing held on 6/14/2007 and continued to 7/17/2007 at 9:45 a.m. Plaintiff's motion for protective order 41 is denied as moot. Plaintiff's corrected motion for protective order 42 is denied for the reasons stated in open court. Motion by respondent University of Chicago for protective order 45 is granted to the extent stated in open court. Motion hearing set for 6/19/2007 is vacated. Parties to submit an agreed protective order to chambers by 6/28/2007 or submit individual proposed protective orders to chambers by 7/6/2007.Mailed notice (rao,) (Entered: 06/14/2007)
07/03/2007	49	MOTION by counsel for Plaintiff John R. Lott, Jr to withdraw as attorney (<i>local counsel for Plaintiff</i>) (Vickers, Thomas) (Entered: 07/03/2007)

07/06/2007	50	ATTORNEY Appearance for Plaintiff John R. Lott, Jr by Mark L. Johnson (Johnson, Mark) (Entered: 07/06/2007)
07/06/2007	51	ATTORNEY Appearance for Plaintiff John R. Lott, Jr by Paul E. Freehling <i>Amended Appearance</i> (Freehling, Paul) (Entered: 07/06/2007)
07/06/2007	54	STIPULATED Protective Order Signed by Judge Ruben Castillo on 7/6/2007.(rbf,) (Entered: 07/11/2007)
07/09/2007	52	NOTICE of Motion by Thomas A. Vickers for presentment of motion to withdraw as attorney 49 before Honorable Ruben Castillo on 7/11/2007 at 09:45 AM. (Vickers, Thomas) (Entered: 07/09/2007)
07/10/2007	53	MINUTE entry before Judge Ruben Castillo : Motion hearing set for 7/11/07 is vacated. Thomas A. Vickers' motion to withdraw 49 as local counsel on behalf of plaintiff is granted. Attorney Thomas A. Vickers terminated.Mailed notice (rbf,) (Entered: 07/11/2007)
07/17/2007	55	MINUTE entry before Judge Ruben Castillo :Status hearing held on 7/17/2007. The Court will hold a settlement conference in chambers on 7/18/2007 at 4:00 PM.Mailed notice (rao,) (Entered: 07/17/2007)
07/18/2007	56	MINUTE entry before Judge Ruben Castillo :Settlement conference held in chambers on 7/18/2007. The parties are directed to notify this Court by 7/30/2007 if this case has been settled. Status hearing set for 7/31/2007 at 9:45 AM.Mailed notice (rao,) (Entered: 07/23/2007)
07/27/2007	57	MOTION by Plaintiff John R. Lott, Jr for reconsideration <i>dismissal of Count I</i> (Attachments: # 1 Exhibit)(Johnson, Mark) (Entered: 07/27/2007)
07/27/2007	58	NOTICE of Motion by Mark L. Johnson for presentment of motion for reconsideration 57 before Honorable Ruben Castillo on 8/8/2007 at 09:45 AM. (Johnson, Mark) (Entered: 07/27/2007)
07/30/2007	59	MOTION by Plaintiff John R. Lott, Jr for leave to file <i>Amended Complaint</i> (Attachments: # 1 Exhibit)(Johnson, Mark) (Entered: 07/30/2007)
07/30/2007	60	MOTION by Plaintiff John R. Lott, Jr for leave to file <i>amended complaint</i> (Attachments: # 1 Exhibit corrected)(Johnson, Mark) (Entered: 07/30/2007)
07/30/2007	61	NOTICE of Motion by Mark L. Johnson for presentment of motion for leave to file 60 before Honorable Ruben Castillo on 8/8/2007 at 09:45 AM. (Johnson, Mark) (Entered: 07/30/2007)
07/31/2007	62	MINUTE entry before Judge Ruben Castillo : Plaintiff's motion for reconsideration of dismissal of count I is denied for the reasons stated in open court. Response due 8/14/2007 to plaintiff's motion for leave to file an amended complaint. Reply due 8/21/2007. Status hearing set for

		8/23/2007 at 9:45a.m.Mailed notice (slb,) (Entered: 07/31/2007)
07/31/2007	63	MINUTE entry before Judge Ruben Castillo :The trial date is stricken.Mailed notice (slb,) (Entered: 07/31/2007)
08/03/2007	64	STIPULATION of Dismissal <i>Rule 41(a)(1) Stipulation of Dismissal of Count II of the Complaint</i> (Johnson, Mark) (Entered: 08/03/2007)
08/07/2007	65	MINUTE entry before Judge Ruben Castillo :Status hearing set for 8/23/2007 is vacated. This case is hereby dismissed with prejudice pursuant to the Rule 41(a)(1) Stipulation of Dismissal of Count II of the Complaint filed on 8/3/2007. Mailed notice (rao,) (Entered: 08/07/2007)
08/07/2007	66	MINUTE entry before Judge Ruben Castillo :This Court's earlier order is modified as follows. Count II of the Complaint is dismissed with prejudice. Plaintiff will be allowed to pursue his motion for leave to file an amended complaint 60 . Defendant's response will be due 8/14/2007. Plaintiff's reply will be due 8/21/2007. The Court will rule on 8/23/2007 at 9:45 AM. Mailed notice (rao,) (Entered: 08/07/2007)
08/14/2007	67	MEMORANDUM by Steven D. Levitt, HarperCollins Publishers, Inc. <i>In Opposition to Plaintiff's Motion for Leave to File an Amended Complaint</i> (Attachments: # 1 Exhibit A)(Metcalf, Slade) (Entered: 08/14/2007)
08/14/2007	68	NOTICE by HarperCollins Publishers, Inc., Steven D. Levitt re memorandum 67 <i>With Certificate of Service</i> (Metcalf, Slade) (Entered: 08/14/2007)
08/21/2007	69	REPLY by Plaintiff John R. Lott, Jr (<i>Memorandum of Law in Support of Motion for Leave for File His First Amended Complaint</i>) (Freehling, Paul) (Entered: 08/21/2007)
08/23/2007	70	MINUTE entry before Judge Ruben Castillo :Motion hearing held on 8/23/07. Enter Order. Plaintiff's motion for leave to file amended complaint 60 is denied. Mailed notice (rbf,) (Entered: 08/24/2007)
08/23/2007	71	ORDER Signed by Judge Ruben Castillo on 8/23/2007.(rbf,) (Entered: 08/24/2007)
08/23/2007	72	ENTERED JUDGMENT Signed by Deputy Clerk on 8/23/2007.(rbf,) (Entered: 08/24/2007)
08/30/2007	73	NOTICE of appeal by John R. Lott, Jr regarding orders 71 , 62 , 28 , 27 , 72 , 70 ; Filing fee \$ 455.00 paid; Receipt number 10341149 (dj,) Modified on 10/31/2007 (air,). (Entered: 08/31/2007)
08/31/2007	74	TRANSMITTED to the 7th Circuit the short record on 8/31/07 notice of appeal 73 . Notified counsel (dj,) (Entered: 08/31/2007)
09/04/2007	75	ACKNOWLEDGEMENT of receipt of short record on appeal

		regarding notice of appeal 73 ; USCA Case No. 07-3095 (rbf,) (Entered: 09/04/2007)
09/10/2007	76	DESIGNATION by John R. Lott, Jr of record on appeal : USCA Case No. 07-3095 (Attachments: # 1 Exhibit Exhibits 1-3)(Johnson, Mark) (Entered: 09/10/2007)
09/10/2007	80	SEVENTH CIRCUIT transcript information sheet. (DOCUMENT NOT SCANNED). (rbf,) (Entered: 09/18/2007)
09/12/2007	77	DESIGNATION by John R. Lott, Jr of record on appeal : USCA Case No. 07-3095 (Attachments: # 1 Exhibit)(Johnson, Mark) (Entered: 09/12/2007)
09/12/2007	78	NOTICE by John R. Lott, Jr re designation of record on appeal 77 (Johnson, Mark) (Entered: 09/12/2007)
09/14/2007	79	DESIGNATION by Steven D. Levitt, HarperCollins Publishers, Inc. of record on appeal : USCA Case No. 07-3095 (Gove, Gail) (Entered: 09/14/2007)
09/20/2007	81	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal 73 (USCA no. 07-3095) consisting of 1 volume of pleadings and 1 exhibit. (dj,) (Entered: 09/20/2007)
09/20/2007	82	USCA RECEIVED on 9/20/07 the long record regarding notice of appeal 73 (07-3095)(dj,) (Entered: 09/24/2007)
10/02/2007	83	TRANSCRIPT of Proceedings before Judge Ruben Castillo held on 5/2/07, 6/8/07, 6/14/07, 7/17/07, 7/31/07, 8/23/07 (Volumes 6). (DOCUMENTS NOT SCANNED). (rbf,) (Entered: 10/04/2007)
10/04/2007	84	TRANSMITTED to the USCA for the 7th Circuit supplemental record on appeal 73 (USCA no. 07-3095) consisting of six (6) volumes of transcripts of proceedings before Judge Ruben Castillo held on 5/2/07, 6/8/07, 6/14/07, 7/17/07, 7/31/07, 8/23/07. (rbf,) (Entered: 10/04/2007)